

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:

ROBERT E. JACOBSEN,

DEBTOR

§  
§  
§  
§  
§

CASE NO. 07-41092  
(Chapter 7)

**MOTION OF TRUSTEE TO EMPLOY A CALIFORNIA REAL ESTATE BROKER**

**Notice**

**NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS OBJECTION WITHIN TEN (10) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING UNLESS IT DETERMINES THAT AN EVIDENTIARY HEARING IS NOT REQUIRED AND THAT THE COURT'S DECISION WOULD NOT BE SIGNIFICANTLY AIDED BY ORAL ARGUMENT. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR RESPONSE MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

Christopher J. Moser, Trustee ("Trustee") files his Motion to Employ Real Estate Broker ("Motion") as follows:

1. On May 25, 2007, Robert E. Jacobsen ("Debtor") filed with this Court a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. On December 5, 2007, the Debtor's case was converted to Chapter 7.
3. Christopher J. Moser is the acting Chapter 7 Trustee of the Debtor's bankruptcy estate.
4. The bankruptcy estate owns a house located at 2324 Tice Valley, Walnut Creek, CA. (the "Property").

5. In order to market the Property most effectively and thereby liquidate the Property for the best and highest price, Trustee has solicited the assistance of Mick McLaughlin, a licensed real estate broker, who may be reached at 3390 Mt. Diablo Blvd, Lafayette, CA 94549. Mick McLaughlin is employed by ReMax Accord. He has agreed to examine the Property, advertise the Property at his expense, show the Property to interested parties, represent the estate as seller in connection with the sale of the Property, and will advise the Trustee with respect to obtaining the highest and best offers available in the present market for the Property.

6. Based upon the foregoing proposal, Trustee desires to hire Mick McLaughlin as a real estate broker to procure and submit to the Trustee offers to purchase the Property. In consideration for the services Mick McLaughlin will receive a 6% commission of the gross sales price of the Property unless the buyer is Robert E. Jacobsen (debtor) or Malikyar Alise (debtor's wife), or Richard Davis (current renter) or Barbara Davis (current renter), in which case a commission will not be paid.

7. Mick McLaughlin has been informed and understands that no sale may be consummated until after notice and a hearing.

8. Trustee is satisfied that Mick McLaughlin is a disinterested person within the meaning of 11 U.S.C. §101(14).

9. Mick McLaughlin is aware of the provisions of 11 U.S.C. §328(a) and has agreed, notwithstanding the terms and conditions of employment set forth herein, that the Court may allow compensation different from the compensation provided herein if such terms and conditions prove to have been improvident in light of developments unanticipated at the time of the fixing of such terms and conditions.

**WHEREFORE, PREMISES CONSIDERED,** Trustee prays that he be authorized to hire Mick McLaughlin as real estate broker on the terms and conditions set forth herein.

Respectfully submitted,

CHRISTOPHER J. MOSER, TRUSTEE  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100 (Telephone)  
(214) 871-2111 (Facsimile)

By: /s/ Christopher J. Moser

CHAPTER 7 TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served by electronic transmission via the CM/ECF system upon all parties registered to receive electronic notice in this bankruptcy case on January 22, 2009, and by regular U.S. mail, postage prepaid, on the 22nd day of January, 2009, on the following:

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/s/ Christopher J. Moser